AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.
CORY RAY BRANNAN
DOB: XXXXXX

Case: 1:21-mj-00588
Assigned To : Faruqui, Zia M.
Assign. Date : 9/2/2021
Description: Complaint w/ Arrest Warrant

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the _____ in the District of Columbia, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. § 1752(a)(1)	Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority,
18 U.S.C. § 1752(a)(2)	Disorderly and Disruptive Conduct in a Restricted Building or Grounds,
40 U.S.C. § 5104(e)(2)(D)	Violent Entry and Disorderly Conduct on Capitol Grounds,
40 U.S.C. § 5104(e)(2)(G)	Parading, Demonstrating, or Picketing in a Capitol Building.

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.

[redacted] Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 09/02/2021

2021.09.02 18:45:50 -04'00'
Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge
Printed name and title

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STATEMENT OF FACTS

Your affiant, [redacted] is a Special Agent (SA) with the Federal Bureau of Investigation (FBI), assigned to the FBI El Paso Division, Midland Resident Agency. In my duties as a Special Agent, I investigate national security and criminal matters. I am experienced in arrest and search warrants related to national security and criminal investigations. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of a violation of Federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

According to records obtained through a search warrant served on AT&T on January 6, 2021, the phone number [redacted] was identified as having utilized a cell site consistent with providing service to a geographic area that included the interior of the United States Capitol building on January 6, 2021. Open source research indicated that the primary user of [redacted] is CORY RAY BRANNAN (BRANNAN). Through the course of the investigation, FBI Agents were able to determine that the phone number [redacted] had contact with numerous phone numbers of individuals who were inside the U.S. Capitol building on January 6, 2021.

Using open source research tools, FBI Agents identified a twitter account showing pictures of individuals at the January 6, 2021, Capitol Riots. The above picture appears to show BRANNAN outside the U.S. Capitol on January 6, 2021. BRANNAN is wearing a camouflage Trump 2020 hat, black hoodie, camouflage pants, and khaki vest with scissors and goggles. BRANNAN has three patches on his vest: an American flag "thin red line" patch, a III% patch and

a yellow "Don't Tread on Me" patch. The III% (Three Percenter) is part of a militia movement that asserts a constitutional right to armed confrontation with the U.S. Government, believing they are a spritiual successor to the U.S. revolutionists who fought against the British Crown during the American revolution. BRANNAN is standing with Tony Martinez, who has already been charged with multiple offenses in relation to the Capitol Riot.

On August 12, 2021, FBI SA Livingstone met with Midland County Sheriff's Office, Captain Adam Hilliard. Captain Hilliard is the Jail Captain for the Midland County Sheriff's Office, where BRANNAN was recently working as a jailer. Captain Hilliard was shown the above picture of BRANNAN at the Capitol Riot and confirmed that the individual in the picture is BRANNAN.

Using open source research tools, FBI Agents identified a twitter account showing pictures of individuals at the January 6, 2021, Capitol Riots. The above picture appears to show BRANNAN inside the U.S. Capitol on January 6. BRANNAN is wearing the same camouflage Trump 2020 hat, black hoodie, camouflage pants, and khaki vest with scissors and goggles. BRANNAN has three patches on his vest: an American flag "thin red line" patch, a III% patch and a yellow "Don't Tread on Me" patch.

Joce @jocejocejoe · Jun 12
Found another #twistedteaposse picture on FB. Not sure if the other guys know them or just thought they'd snap a pic like with goofy at Disneyland.
cc: @DianthaSol
3
11
30

The above photograph posted on Twitter shows a person identified as BRANNAN in Washington, D.C. on January 6, 2021. BRANNAN is identified as wearing a camouflage Trump 2020 hat, black hoodie, camouflage pants, and a khaki vest over the black hoodie which had scissors, goggles, and three patches. BRANNAN is standing next to Tony Martinez. The above photograph was shown to Midland County Sheriff's Office, Captain Adam Hilliard on August 30, 2021. Captain Hilliard confirmed that the individual in the photograph with the camouflage Trump 2020 hat, camouflage pants, and black hoodie is BRANNAN.

There are multiple photographs, videos, or still frames from video showing an individual who closely resembles BRANNAN in Washington, D.C. on January 6, 2021, climbing through a window into the interior of the US Capitol building, and then walking around inside of the U.S. Capitol building near the Senate Wing Door. Screenshots taken from internal Capitol surveillance footage shows BRANNAN entering through a window into the Capitol building near the Seante Wing Door at approximately 1414 EST, and exiting through the Senate Wing Door at approximately 1420 EST.

In the above photograph, BRANNAN is wearing the same camouflage Trump 2020 hat, black hoodie, camouflage pants, and khaki vest with scissors, goggles, and three patches. BRANNAN is now wearing a dark in color gaiter around his nose and mouth.

In the above photograph, BRANNAN is on internal Capitol surveillance video after climbing through the window into the U.S. Capitol building. BRANNAN is still wearing the camouflage Trump 2020 hat, black hoodie, camouflage pants, and khaki vest with scissors and goggles, with the three patches.BRANNAN has a gaiter pulled up around his nose and mouth.

Based on the foregoing, your affiant submits that there is probable cause to believe that Cory Ray BRANNAN violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that Cory Ray BRANNAN violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demo[redacted]

[redacted]
Special Agent
Federal Bureau

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 2nd day of September, 2021.

2021.09.02
18:47:30 -04'00'

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE